REMARKS

Unity of Invention

Claims 1-28 are pending and are subject to a Unity of Invention restriction under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1. (*See*, Office Communication, at page 2). Applicants respectfully traverse.

For the purpose of examination of the present application, Applicants elect, with traverse, Invention Group I, Claims 1-18 and 27-28.

According to MPEP § 803, if the search and examination of an entire application can be made without a serious burden, the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions. Since Group I (claims 1-18, directed to an agent of therapy and/or prevention of kidney disease), Group II (claims 19-20, which depend from claims within Group I), and Group III (claims 21-28 which depend from claim 21 and are methods for diagnosis of kidney diseases), by searching one group the Examiner is necessarily searching the other group since the claims are so closely related in subject matter.

The Applicants respectfully disagree with the Examiner's interpretation of the unity of invention. According to MPEP § 1850, Determination of "Unity of Invention, " with respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. Independent claims 1, 20 and 21 involve and interrelationship of casein

kinase 2 as a diagnostic tool in the detection of kidney disease and subsequent treatment of kidney disease with inhibitors of casein kinase 2. Also according to MPEP § 1850, although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented.

Therefore, in light of the above arguments, there is unity of invention within the claims since it is based upon casein kinase 2, its use as a diagnostic in the detection of kidney disease and the subsequent treatment of kidney disease with casein kinase 2 inhibitors. Since there is this interrelationship within the claims it would not be undue burden to search all of claims 1-28.

As such, Applicants respectfully request that the Examiner rejoins Groups I-III.

Reconsideration and withdrawal of the Unity of Invention Restriction Requirement of claims 1-28 are respectfully requested.

Elections

The examiner has required a further election to a single species to which the claims shall be restricted to if no generic claim is finally held to be allowable.

For the purpose of examination of the present application, Applicants elect, with traverse, Species 1 - antisense oligonucleotides that target mRNA and inhibit expression of casein kinase 2 and further elect, with traverse, the antisense oligonucleotide having the sequence shown in SEQ ID NO: 1.

The applicant believes that claims 1 to 10, 17 and 18 read upon the above elections.

The Examiner is additionally reminded that because the present Restriction is between a product (Claims 1-18) and its process of use (Claims 19-28), where Applicants elect claims directed to the product, and a product is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. Such process claims that depend from or otherwise include all the limitations of the patentable product are entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Furthermore, in the event of rejoinder, Applicants understand that the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims must be fully examined for patentability according to the provisions of 37 C.F.R. § 1.104.

Reconsideration is respectfully requested.

CONCLUSION

If the Examiner has any questions or comments, please contact Paul D. Pyla, Registration No 59,228, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 27, 2007

Respectfully submitted,

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